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*Admitted only in Maryland
*Admitted only in Virginia
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*Practice Limited to
Federal Agencies

September 20, 2002

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Commissioner for Patents
Washington, D.C. 20231

Art Unit 2661

Re: U.S. Patent Application
Appl. No. 09/855,015; Filed: May 15, 2001
For: **Network Switch Cross Point**
Inventors: Andrew Chang *et al.*
Our Ref: 1988.0060005

RECEIVED

SEP 23 2002

Technology Center 2600

Sir:

Transmitted herewith for appropriate action are the following documents:

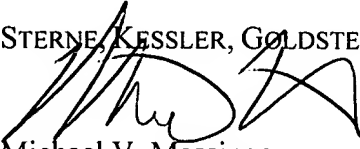
1. Information Disclosure Statement;
2. Form PTO-1449, listing and enclosing 14 documents; and
3. One (1) return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.


Michael V. Messinger
Attorney for Applicants
Registration No. 37,575

SKGF_DC1:57799.1



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Andrew Chang *et al.*

Appl. No. 09/855,015

Filed: May 15, 2001

For: **Network Switch Cross Point**

Confirmation No. 8008

Art Unit: 2661

Examiner: *to be assigned*

Atty. Docket: 1988.0060005

Information Disclosure Statement

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Commissioner for Patents
Washington, D.C. 20231

SEP 23 2002

Technology Center 2600

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

Applicants have checked the appropriate boxes below.

- ☐ 1. Statement under 37 C.F.R. 1.704(d). Each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty days prior to the filing of this information disclosure statement.
- ☒ 2. Filing under 37 C.F.R. § 1.97((b)). This Information Disclosure Statement is being filed within three months of the date of filing of a national application other than a continued prosecution application (CPA), OR within three months of the date of entry of the national stage as set forth in 37 C.F.R. § 1.491 in an international application, OR before the mailing date of a first Office Action on the merits OR before the mailing of a first Office Action after the filing of a request for continued examination under 37 C.F.R. § 1.114. No statement or fee is required.
- ☐ 3. Filing under 37 C.F.R. § 1.97(c). This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection, or Notice of Allowance, or an action that otherwise closes prosecution in the application.
 - ☐ a. Statement under 37 C.F.R. § 1.97(e)(1). I hereby state that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to

the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).

- ☐ b. Statement under 37 C.F.R. § 1.97(e)(2). I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).
- ☐ c. Attached is our Check No. _____ in the amount of \$ _____ in payment of the fee under 37 C.F.R. § 1.17(p).
- ☐ 4. Filing under 37 C.F.R. § 1.97(d) This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the Issue Fee. Enclosed find our Check No. _____ in the amount of \$ _____ in payment of the fee under 37 C.F.R. § 1.17(p); in addition:
 - ☐ a. Statement under 37 C.F.R. § 1.97(e)(1). I hereby state that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).
 - ☐ b. Statement under 37 C.F.R. § 1.97(e)(2). I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).

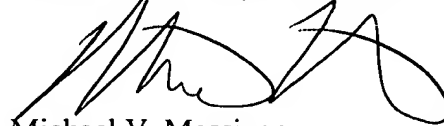
- ☐ 5. The document(s) was/were cited in a search report by a foreign patent office in a counterpart foreign application. Submission of an English language version of the search report that indicates the degree of relevance found by the foreign office is provided in satisfaction of the requirement for a concise explanation of relevance. 1138 OG 37, 38.
- ☐ 6. A concise explanation of the relevance of the non-English language document(s) appears below:
- ☐ 7. Copies of the documents were cited by or submitted to the Office in an IDS that complies with 37 C.F.R. § 1.98(a)-(c) in Application No. _____, filed _____, which is relied upon for an earlier filing date under 35 U.S.C. § 120. Thus, copies of these documents are not attached. 37 C.F.R. § 1.98(d).

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Michael V. Messinger
Attorney for Applicants
Registration No. 37,575

Date: September 20, 2002
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(202) 371-2600
SKGF_DC1:56768.1

FORM PTO-1449

INFORMATION DISCLOSURE STATEMENT

ATTY. DOCKET NO.
1988.0060005APPLICATION NO.
09/855,015APPLICANTS
Andrew Chang *et al.*FILING DATE
May 15, 2001GROUP
2661

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA1						
	AB1						
	AC1						
	AD1						
	AE1						
	AF1						
	AG1						
	AH1						
	AI1						
	AJ1						
	AK1						

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL1						Yes No
	AM1						Yes No
	AN1						Yes No
	AO1						Yes No
	AP1						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

AR	1	"Foundry Networks, Inc. - BigIron 4000, Layer 2 & Layer 3 Interoperability Evaluation," <u>The Tolly Group</u> , No. 199133, October, 1999, 4 pages.
AS	1	"Foundry Networks, Inc. - BigIron 8000 Gigabit Ethernet Switching Router, Layer 2 & Layer 3 Performance Evaluation," <u>The Tolly Group</u> , No. 199111, May, 1999, 4 pages.
AT	1	"Lab Testing Summary Report - Product Category: Layer-3 Switches, Vendor Tested: Foundry Networks, Product Tested: BigIron 4000," <u>Mier Communications, Inc.</u> , Report No. 231198, October, 1998, 6 pages.

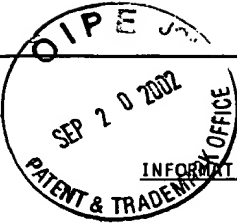
EXAMINER

DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

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SKGF Rev. 1/95

 FORM PTO-1449 INFORMATION DISCLOSURE STATEMENT	ATTY. DOCKET NO. 1988.0060005	APPLICATION NO. 09/855,015
	APPLICANTS Andrew Chang <i>et al.</i>	
	FILING DATE May 15, 2001	GROUP 2661

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
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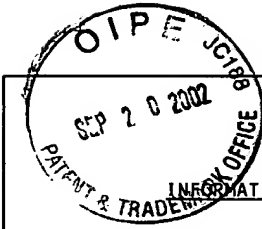
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
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	AM2						Yes No
	AN2						Yes No
	AO2						Yes No
	AP2						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

AR	2	"Lab Testing Summary Report - Product Category: Gigabit Backbone Switches, Vendor Tested: Foundry Networks, Product Tested: BigIron 4000," <u>Mier Communications, Inc.</u> , Report No. 210998, September, 1998, 6 pages.
AS	2	"Switch Fabric Chipset - CX27300 iScale™," <u>Mindspeed - A Conexant Business</u> , April 30, 2001, 2 pages.
AT	2	"17X17 3.2 Gbps Crosspoint Switch with Input Equalization - M21110," <u>Mindspeed - A Conexant Business</u> , February 1, 2001, 2 pages.

EXAMINER	DATE CONSIDERED
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.



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INFORMATION DISCLOSURE STATEMENT

ATTY. DOCKET NO.
1988.0060005

APPLICATION NO.
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	AN3						Yes No
	AO3						Yes No
	AP3						Yes No

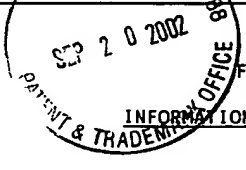
OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

AR	3	"Switch Fabrics Touted At Interconnects Conference," by Craig Matsumoto, <u>EE Times</u> ; August 21, 2000, 2 pages.
AS	3	"BigIron Architecture Technical Brief," <u>Foundry Networks</u> , May, 1999 - Version 2.01, 15 pages.
AT	3	"Mindspeed™ Switch Fabric Offers the Most Comprehensive Solution for Multi-Protocol Networking Equipment," editorial contacts, Roman Kichorowsky & Roslyn Whitehurst; April 30, 2001, 3 pages.

EXAMINER

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	APPLICANTS Andrew Chang <i>et al.</i>	
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U.S. PATENT DOCUMENTS

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FOREIGN PATENT DOCUMENTS

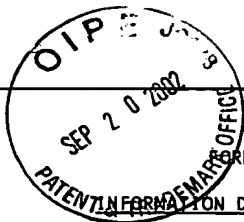
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	AL4						Yes No
	AM4						Yes No
	AN4						Yes No
	AO4						Yes No
	AP4						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

AR	4	"BigIron Architecture Technical Brief," <u>Foundry Networks</u> , July 2001 - Version 2.02, 16 pages.
AS	4	"BigIron Architecture Technical Brief," <u>Foundry Networks</u> , May 1999 - Version 2.0, 15 pages.
AT	4	"BigIron Architecture Technical Brief," <u>Foundry Networks</u> , December 1998 - Version 1.03, 14 pages.

EXAMINER	DATE CONSIDERED
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PATENT INFORMATION DISCLOSURE STATEMENT

ATTY. DOCKET NO.
1988.0060005APPLICATION NO.
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EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA5						
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FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL5						Yes No
	AM5						Yes No
	AN5						Yes No
	AO5						Yes No
	AP5						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR	<u>5</u>	"BigIron Architecture Technical Brief," <u>Foundry Networks</u> , October 1998 - Version 1.02, 15 pages.
	AS	<u>5</u>	"BigIron Architecture Technical Brief," <u>Foundry Networks</u> , October 1998 - Version 1.0, 15 pages.
	AT	<u>5</u>	

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